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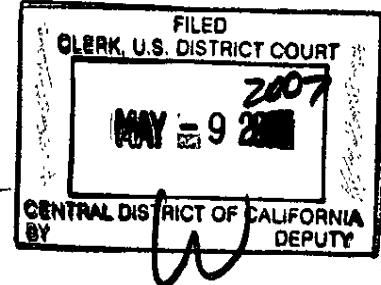
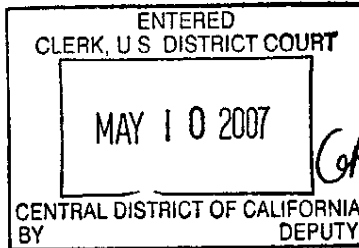
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

LINDA AMATO,  
Plaintiff,  
v.  
ALLSTATE INSURANCE  
COMPANY, and DOES 1 through 20,  
inclusive,  
Defendants.

Case No. CV-06-6911 R

The Hon. Manuel L. Real  
Ctrm: 8

~~PROPOSED~~  
**ORDER GRANTING  
ALLSTATE'S MOTION FOR  
JUDGMENT ON THE  
PLEADINGS**

DATE: May 7, 2007  
TIME: 10:00 a.m.  
CTRM: 8

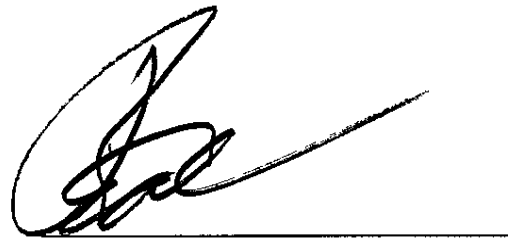
THIS CONSTITUTES NOTICE OF ENTRY  
AS REQUIRED BY FRCP, RULE 77(d)

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**TO PLAINTIFF AND HER COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that Allstate's motion for judgment on the pleadings on plaintiff's breach of contract claim came before the Court on May 7, 2007 at 10:00 a.m. Attorney Ron White from the law firm of Rossell White LLP appeared on behalf of plaintiff Linda Amato. John Edson from the law firm of Luce, Forward, Hamilton & Scripps LLP appeared on behalf of Allstate.

After having considered the moving papers, the Court's prior records and oral argument, the Court grants Allstate's motion without leave to amend. Plaintiff does not identify any provision in the policy attached to the complaint that Allstate breached. Plaintiff also admits that Allstate paid her the policy limits under the policy in effect at the time of the loss. (First Amended Complaint ¶ 20.) Plaintiff is bound by the judicial admissions in her complaint. American Title Ins. Co. v. Lace Law Corp., 861 F. 2d 224, 226 (9th Cir. 1988).

**IT IS SO ORDERED:**DATED: May 9, 2007

Hon. Manuel L. Real

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Peter H. Klee, State Bar No. 111707  
John D. Edson, State Bar No. 185709  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
600 West Broadway, Suite 2600  
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Facsimile No.: 619.232.8311

Attorneys for Defendant  
ALLSTATE INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LINDA AMATO,

Plaintiff,

v.

ALLSTATE INSURANCE  
COMPANY, and DOES 1 through 20,  
inclusive,

Defendants.

Case No.: CV-06-6911 R (PJWx)

**DECLARATION OF SERVICE**

Hon, Manuel L. Real

I, Linda Pragit, declare as follows:

I am employed with the law firm of Luce, Forward, Hamilton & Scripps LLP, whose address is 600 West Broadway, Suite 2600, San Diego, California 92101-3372. I am over the age of eighteen years, and am not a party to this action.

On May 8, 2007, I served the following:

**[PROPOSED] ORDER GRANTING ALLSTATE'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

on the interested parties in this action by:

  X   **U. S. MAIL:** I placed a copy in a separate envelope, with postage fully prepaid, for each address named on the attached service list for collection and mailing on the below indicated day following the ordinary business

practices at Luce, Forward, Hamilton & Scripps LLP. I certify I am familiar with the ordinary business practices of my place of employment with regard to collection for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing affidavit.

**OVERNIGHT MAIL:** I sent a copy via overnight mail, Airbill No. \_\_\_\_\_.

**OVERNIGHT COURIER SERVICE:** I placed a copy in a separate envelope addressed to each addressee as indicated below, and caused such envelope(s) to be delivered via \_\_\_\_\_.

**HAND DELIVERY:** I placed a copy in a separate envelope addressed to each addressee as indicated below, and delivered it to \_\_\_\_\_ for personal service.

**FACSIMILE:** I sent a copy via facsimile transmission to the telefax number(s) indicated below. The facsimile machine I used complied with California Rules of Court, Rule 2003 and no error was reported by machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

Ronald E. White, Esq.  
ROSSELL WHITE LLP  
532 West First Street, Suite 219  
Claremont, CA 91711

Attorneys for Plaintiffs  
LINDA AMATO  
Telephone: (909) 482-1000  
Facsimile: (909) 482-4545

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed at San Diego, California on May 8, 2007.

  
Linda Pragitt

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